REPLY TO CLARIFICATIONS ON THE STATEMENT REGARDING SITUATION IN AYODHYA

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN) : Madam Deputy Chairperson, I am extremely grateful to all the hon. Members who had participated in this discussion and expressed their views in very clear terms and on the whole, though I was not present, still was given to understand that the level of the discussion was, in fact, very high, very dignified, giving very concrete suggestions as to what is to be done. Madam, as the House is aware, the Prime Minister made a statement on 27th of July to have the negotiations and thereafter if a negotiated settlement became difficult may be to refer the dispute to a judicial authority. From 3rd October onwards, there were three meetings held and both the sides, one side represented by the Vishwa Hindu Parishad and the other by the Babri Masjid Action Committee, participated. Both of them had their own historical documents which they exchanged. They heard the comments also on the documents which were exchanged. Thereafter, a questionnaire which was framed by both the parties was exchanged between them and comments were also sent to each of them and almost the ground was slowly getting prepared for some kind of a negotiated settlement. Or if by any chance they were not able to come to any unanimous conclusion, they would have requested the Government to refer it to any of the judicial authorities as contemplated in the statement which the Prime Minister had made. Though the date was fixed for the next meeting, without rhyme or reason—and I do not know how the whole thing happened—all of a sudden, the date of the "kar seva" was unilaterally announced by the VHP. They said that on 6th of December, they proposed to start the "kar seva". It, in fact, created a controversy between the two groups and, in fact, all proceedings were stopped thereafter. No meeting could be held and it was a kind of deadlock which was created. That is how the situation then was. I am really not able to understand what exactly was the motivation. I have tried to find out from some of the leaders of the BJP in the Lok Sabha as well as in the Rajya Sabha. I am still not able to understand what exactly has been the motivation behind the whole thing. Even now, I am not certainly in a position to understand the exact reasons as to why they came to this conclusion. After all, they can unilaterally take the decision. I cannot possibly object to the procedure they have adopted. But there is a forum available in which on a very systematic basis they could have tried to convince each other. That process unfortunately has been stopped and that is why a negotiated settlement between the two parties became rather difficult.

Madam, thereafter we had a meeting of the NIC and the serious situation was brought before the members of the NIC. A unanimous resolution was passed by the NIC wherein support was extended to the Prime Minister and it was stated 'For upholding the Constitution and for enforcing the orders of the Court, the Prime Minister may take whatever action is called for and we extend all the support that is necessary for doing the same'. This meeting was held on 23rd November, 1992. On 24th November, we had to despatch the paramilitary forces to Ayodhya and roundabout areas. A point was raised by the hon. Leader of the Opposition and also by some other friends stating that when Article 257A was repealed, how was it that the Government could unilaterally try to send the paramilitary forces to Uttar Pradesh. I should bring to the notice of the House that is a fact that Article 257A was repealed but they do not seem to be aware of the fact that Entry 2 of the Union List is still there in the Constitution. That has not been repealed. We have also Article 355 in the Constitution which amply provides that if the Union Government come to a particular conclusion, they have the full authority to send the forces anywhere in the country. I would like to stress this point for the information of all the Members of this House that the Government of India has full authority to send paramilitary forces anywhere, to any part of the country, and no State Government, for that matter,

can possibly object to these forces being sent anywhere.

Now, the only point is that before we sent these forces on the 24th November actually I had informed the UP Chief Minister that these forces were being sent there for their assistance. Ultimately, it is the primary responsibility of the UP Chief Minister and his Cabinet colleagues to see that law and order is maintained in that area and, in view of the fact that the Kar Seva is going to start from the 6th of December, if any assistance is called for, unilaterally, on our own, informing the Chief Minister we have sent the forces so that, at short notice, if they require the assistance of the paramilitary forces, it is available to them. But I am really sorry that my esteemed friend, the Chief Minister of UP, has issued a public statement and he has gone to the extent of saying that the Home Minister is misleading the House. Whatever he has stated is not correct. A number of forces were sent much earlier which , in fact he is hiding from the House. First of all, I have made the position clear. In fact, it does not require anybody's permission for me to send the forces. Permission is required only for deployment and not for sending the forces. If the forces are to be stationed either at Agra or at Lucknow or at any other place, I have not only the full authority under article 355, but I can also deploy them if the Government of India were to come to the conclusion that a situation has arisen in which the kind of responsibility which ought to have been discharged by the State Govenment' they are trying to evade or that the matter is so serious that they would not be able to meet the situation. The Government of India is fully competent to send the paramilitary forces and also deploy them under article 355. But we have not actually adopted this course and article 355 has not been invoked. It is merely for stationing these forces that initimation to the Chief Minister of Uttar Pradesh was given and we have sent these paramilitary forces with a view to assisting them. If they want any assistance from them, they are available there and if they do not want their assistance, certainly, I cannot force them and say, "you utilize them.", and I cannot possibly do the same.

Some objection have been raised and the Chief Minister himself has said something, has said that I have tried to mislead the House. Madam, I would just read out whatever information I have from the office :

"CM UP has stated on 27-11-1992 at 11.00 A. M. that 36 Battalion paramilitary forces, on 18 motorcycles, went to the disputed structure in a convoy at a very high speed. The DG RAF has reported from Faizabad that the total number of motorcycles with all the paramilitary forces in and around Faizabad is only two and that no such convoy wn to the disputed structure."

"2. A general complaint of misbehaviour with police and women in a state of drunkenness has been made by the CM. He has also said that some jawans of the CRPF had misbehaved with the shopkeepers a report to which effect was lodged with the CRPF Control Room. CM UP has also stated that another report was lodged on 29.11 about the misbehaviour of the CRPF personnel with the people. No complaint has been lodged with the CRPF Control Room."

"3. The allegation of CM UP regarding the visit to the Control Room at 1-00 P. M. by Shri A. K. Gupta is being verified. As regards the news item in "The Indian Express" about the movement of the Central paramilitary forces before 24-11-92, as alleged by CM UP in an interview, the position is as follows :

"81 Battalion RAF was not moved from meerut to Ayodhya on November 20th."

In fact, it was moved on the night of 24th November by train reaching Ayodhya on 25th. Two Companies of 3rd Battalion, two Companies of 48 Battalion and 3 companies of 160 Battalion stated to have been sent were not actually sent to Ayodhya on November 23. In fact, they were sent from Delhi to Ayodhya on the night of November 24, and reached there on November 25. No company of J&K Rifles, stationed outside the State of

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Jammu and Kashmir, has been deployed anywhere in the country. Therefore, the allegations of the Chief Minister are absolutely incorrect. So, this is the position about this. But thereafter, after the 24th, in fact, we have sent the paramilitary forces, keeping the Chief Minister informed about the whole thing. In act, on matters of fact, even now, if there be any king of distrortion in the news which has been given to me, I am prepared to correct myself. If there be anything which the Chief Minister brings to my notice that 'this information which was supplied to you by your office has some error in it', certainly we will try to correct it. On matters of fact, in fact, there can be no point of any dispute at all.

Then Madam, the next point about which I would like to say something in this House is about the situation as it is developing in Ayodhya, and the immediate action that we have taken thereon by sending the paramilltary forces on 24th. What action has been taken by the Government thereafter is a question which almost every Member of this House was asking.

SHRI MULIDHAR CHANDRAKANT BHANDARE (Maharashtra) : What is the Observer's report, Sir ?

SHRI S. B. CHAVAN : About the Observer's reports, I have the reports of the Observer appointed by the Supreme Court till yesterday' the 3rd evening. I have the full report that there has been no violation of the Court order. In and around the 2.77 acres of land, a large number of tents have been pitched there, almost 500 tents have been pitched, and a number of kitches are also being run. But he has been very categorical that there has been no violation of the Court order. He has been very specific on this issue. In fact, the UP Government has filed affidavit after affidavit. A large number of affidavits have been filed by the up Government stating therein that "we are prepared to abide by whatever orders the Supreme Court given us." They have even gone to the extent of saying that no material will be shifted, no machinery will be shifted, and the kind of 'kar seva' that is being talked about is not the 'kar seva' which in the normal sense of the term is being understood by the people. The kind of 'kar seva' that is going to be undertaken is not only a question of a mere statement but is also an affidavit filed before the Supreme Court. There are five or six affidavits of the UP Chief Minister, and his Government on file in the Supreme Court. And that is why I have not been quite able to understand when you ask me to presume—the hon. Memebrs want me to presume that the statements made outside the House by some responsible Members are contrary to the kind of affidavits which have been filed. In fact, one of the statements which was attributed to the Leader of the Opposition in the Lok Sabha was also stated yesterday. And I must bring to the notice of the House that, in fact, after verification, it has been found that the statement attributed to Mr. Advani is not correct. That kind of a statement was not made by him. That is why, annecessarily, on the reported version, if we have to take action anticipating that he is going to do this or that thing, I think, we will be crossing the limits which, in fact, are laid down for us as a responsible Government. Certainly we have to keep ourselves ready for any kind of eventuality. And there is no hiding the fact that certain measures which I would not like to disclose to this House, we have already in view. But so long as they are within the framework of the Constitution, they are not trying to violate the orders of the Court, what is the justification for the Government of India to start unilateral action against the State Government ? This is a point which I would request hon. Members to kindly appreciate.

I can understand about the reported statements. A number of things are being reported in the Press Later on, we come to know that what was reported was not correctly reported. Another statement attributed to Mr. Advani, was also published in the papers. Later on.....

SHRI JAGESH DESAI (Maharashtra) But there was no contradiction from Mr. Advani. He could have done it. This is a sensitive issue.

SHRI S. B. CHAVAN : He has been moving from place to place.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : It is very difficult.

SHRI S. B. CHAVAN : We can also equally appreciate the fact. For example, even in my case, some statement was attributed to me. You know the famous case the Jharkhand statement. I could not contradict the same because immediately on coming back from Pune, I had to attend a Cabinet meeting. After attending the Cabinet meeting in the evening, the next morning I left for Shillong On the third day, I came to know about it. The Home Secretary asked me : 'Sir, did you make this kind of a statement?'. I said 'No'. On the third day, when I came to know about it, on the third evening or fourth morning, when I met some Pressmen, I contradicted the same. But this is still being quoted by a large number of people. In spite of the fact that I contradicted the same, in spite of the fact that a large number of Press people in Pune itself had contradicted the same, that I had not made this kind of a statement, spite of that, there are still people who go on taunting me you have made this statement. I know this taunt. But I cannot help. Thereafter, the only thing that I can do is to keep quiet.

Therefore, merely because he has not contradicted the same, presuming that he has said that sort of a thing, I think, will not be the correct way to look at it. We will have to be more careful in such matters. Sometimes, I do not know. I would not like to attribute any motives. But there are people who would like to have some kind of a onfict on a deliberate ground. In fact, the Government is not interested in having any kind of a conflict when the question is a very delicate one. It is engaging the attention not only of the country, but of the international community also. This has become a hot issue. Everybody is discussing this. Therefore, we have to be on a very firm ground before we take any action of a precipitate kind. That is why we are interested in trying to find out even at this stage, if any amicable solution is possible. We have to exhaust all possible means. Thereafter, if it becomes invitable, that is a different matter.

The question now raised is : 'How do you propose to proceed in the matter ?'. Two-three things were specifically referred to. Article 143 has been referred to. Article 138 has been referred to. Article 139 has been referred to. I am being asked : 'Would you like to say anything ?'.

So far as article 143 is concerned, it is an opinion which we will be asking the Supreme Court to give in the matter. If both the parties were to agree that they would abide by whatever opinion the Supreme Court gives, of course, there is some sense in approaching the Supreme Court, telling them that both the parties are prepared to accept their opinion, the opinion of the Supreme Court. After all, it is the highest court of the country. If they were to give a certain opinion, it has to be respected. That is why, under article 143, even if it is an opinion, refrence can be made to the Supreme Court, if the parties were to agree.

Another course which is being suggested is, invoking article 138. Extending the jurisdiction of the Supreme Court by a special legislation and empowering the Supreme Court to call for all the concerned files from different areas and consider them together. It requires legislation for doing the same. It also requires the consent of the State Govenrment. I have tried my level best, at the highest level, with the leaders of the opposition. But I am sorry to say that I have failed in that. They are not prepared to give the consent for making a reference under article 138. The only other courses remaining are : article 139 and article 142.
Article 139 also is a discretionary power of the Supreme Court.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : But I may assure that the Supreme Court will exercise that power because of the wording of the article. It is not beccause of anything else pbecouse article 139 says that when similar matters are pending and when it is in national interest, it can be transferred. We appear every day and we known what matters are transferred.

SHRI S. B. CHAVAN : Madam, he is a legal luminary and has a very big practice in the Supreme Court, but at the same time the wording, as it is, clearly shows

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that it is a discretionary power of the Supreme Court. If they want, they can certainly exercise this power, get all the relevant papers from whatever courts where these cases are pending and thereafter pool them and take a decision on the matter. In this case it does not require any kind of legistation. Even without any legislation of this type, the Supreme Court can be approached provided we also reach an understanding. In fact, these are matters for which understanding has to be reached before any reference is made to the Court. Of course, for expediting the disposal of the cases this can be one of the procedures which can be followed and there is no harm in approaching the Supreme Court for invoking article 139. So, these are the three courses which are still open to the Government of India and their is no harm if all the parties concerned were to consider all these proposals and then give their reactions to us.

Article 138 (2), they have almost ruled out. So, there is no question of article 138(2). Now the only point is whether it should be article 139 or article 143. Between the two which is the better option is the point which we have to consider.

Madam, what may be called a loud thinking, article 143 is an opinion that we are asking and all kinds of interpretations can also be given on the opinion given by the Supreme Court, but if it is artticle 139, then of course, it is a perfect jurisdiction of the Supreme court and if they use that jurisdiction, then it becomes binding on all parties, there is no question of running away from it. So, between the two, article 139, according to me, seems to be a far better solution to this problem provided there should be some kind of an understanding. In fact, I have not yet closed the option. We will discuss on this issue and if we can possibly come to some kind of a consensus, it will be a better deal and we will be able to defuse the situation.

SHRI P. UPENDRA (Andhra Pradesh) : Madam...

THE DEPUTY CHAIRMAN : Let him finish.

SHRI P. UPENDRA : On this point only I want some more clarification.

He has almost ruled out article 143. Article 139, he has said, is a better option. I want to know if the bone of contention is about article 143. What is the harm in referring the matter under article 143 ? Even if it is an opinion whether the temple existed or not, that is not going to be final. You have to follow it up with some legislation. It is an opinion of the highest Court. It will have its own weight which will help you in the legislative process. Why should you insist on articles 138 or 139 ?

SHRI S. B. CHAVAN : I am not insisting. I said that the entire thing is still open. I have merely given the options and between the two I have given my preference that this will be a better thing to do. But that does not mean that article 143 is totally ruled out. So, both the options are still open but I would like to consult everybody concerned and come to a conclusion as to which course will be more preferable.

SHRI MENTAY PADMANABHAM (Andhra Pradesh) : But there is unanimity on article 143 among different parties. (*Interruptions*).

SHRI MADAN BHATIA (Nominated) : Hon. Home Minister has also mentioned that their is an option under article 139A. I respectfully submit that may not be so.

Article 139A says :

> "Where cases involving the same or substantially the same questions of law are pending before the Supreme Court and one or more High Courts or before two or more High Courts and the Supreme Court is satisfied on its own motion or on an application made by the Attorney-General of India or by a party to any such case that such questions are substantial questions of general importance, the Supreme Court may withdraw the case or cases pending before the High Court or the High Courts..."

There are two conditons which must be satisfied, that there are cases which are pending before two High Courts or before

a High Court and the Supreme Court. Unless this condition is met, article 139A cannot be invoked. So far as the dispute with regard to the structure is concerned, that dispute is pending only in one High Court and not even before the Supreme Court. That dispute is pending only in the Allahabad High Court. So there is no question of the reference of this dispute with regard to the structure being transferred from the Allahabad High Court to the Supreme Court. The case which is pending in the Supreme Court is a case with regard to the injunction which has been granted in the land acquisition proceedings relating to the 2.77 acres of land. That dispute is an entirely separate dispute. Therefore, the option of article 139A is not there. The only two options are either article 138 (2) or article 143. That's all, Madam.

SHRI P. SHIV SHANKER (Gujarat) : Mr. Home Minister, I will add one thing. That is a point which I though I should say.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : I fail to understand that this case does not involve an importatnt questions of law. . .(*Interruptions*)...

SHRI P. SHIV SHANKER : So far as the Allahabad High Court is concerned, it is a title case, and a title case is not a substantial question of law. It is a matter involving facts, and the Supreme Court cannot withdraw it under article 139A where facts are involved unless you go under article 138 (2) for the purpose of framing a law, as you have very rightly said. That will be a difficult job.

SHRI S. B. CHAVAN : Anyway, these are matters which will have to be discussed at length with the Law Ministry and also our eminent friends who are practising in the Supreme Court. But this is how the advice was given by the Law Ministry to us, that these are the three options which are available to us, and I have merely said how these provisions can be invoked in order to find a solution to the problem. I am more interested in defusing the situation and finding an amicable solution so that a situation of confrontation is avoided to the extent possible.

My appeal to all the hon. Members will be, the situation, as it is, is very delicate and requires the unstinted co-operation of everybody concerned who has the future of this country at heart. We would like to maintain communal harmony, we would like to see that peace and tranquility prevail in the country and, minorities or, for that matter, any section of the people do not feel disturbed because of the activities of certain sections. I can assure the hon. Members that upholding of the Constitution is the responsibility of the Government and we will see to it that it is upheld. There is no quesion of anybody trying to go against the provisions of the Constitution, and that is exactly what the Central Government is trying to ensure. We would like to have the cooperation of everybody concerned to see that no precipitate action is forced on the Government. Thank you very much.

THE LEADER OF THE OPPOSITION (SHRI SIKANDER BAKHT) : Madam, Deputy Chairman, just a small thing. The hon. Minister has mentioned about article 355 in the earlier part of his reply. I would like to read out the article :

> "It shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the Government of every State is carried on in accordance with the provisions of this Constitution."

Primarily, I am afraid that an internal disturbance question has been anticipated, which is not intended by the Constitution at all.

You could not have anticipated an internal disturbance.

Secondly, there is a contradiction in the statement, and the contradiction is that you have sent these forces under Article 355 but have placed them at the disposal of the State Government, to be available to them. These are two entirely different things. There is absolutely no rapport between the State Government and the forces that you have sent. So, how do you reconcile this contradiction ?

SHRI S. B. CHAVAN : About Article 355, I have made that matter absolutely clear. There is a judgement of the Supreme Court in the case of *Rajasthan vs. Government of India*. There is a commentary of Basu which clearly enunciates

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what internal disturbance means and how these provisions can be invoked. But I have clearly stated that we have not invoked Article 355. In the Central List, Entry 2A is also available. But apart from that, we have still not invoked Article 355. As the hon. Leader of the Opposition has pointed out, that condition has still to arise. God forbid that. It should not arise. If it does not raise, invoking of Article 355 will be out of question. It is a regular force which we have. We can sent it anywhere in India. It has been sent for assisting the State Government. If the State Government does not want to take the responsibility of deploying this force and would like to depend on its own force, it is entirely their option. We cannot force this on them. The NIC has passed a resolution to see that the State Government, is properly given assistance. We have sent the assistance to them. The Supreme Court has also asked us how we would be going to discharge our responsibility to uphold the orders of the Court. We have also submitted to the Supreme Court also that law and order is the primary responsibility of the State Government, in furtherance of which, if any assistance was required, we would be prepared to give it. And this has been done in pursuance of that assurance that we have submitted to the Supreme Court. So, there is no contradiction in this.

SHRI MADAN BHATIA : Madam Deputy Chairman, I respectfully submit that I had raised this question of Article 355 myself yesterday. The hon. leader of the BJP was not present. Since he has repeated this, kindly allow me just one minute to explain it.

Article 355 places external aggression at par with internal disturbance. If the interpretation of the hon. Member that the Government of India can intervene only when an internal disturbance has broken out is to be taken to be correct, then, it will mean that the Government of India will remain helpless until and unless an actual aggression has taken place against a particular State. Is that the interpretation? Does it mean that the Government of India is helpless and is not in a position to take any action to protect a State against an external aggression even when there is a real and imminent danger of an external aggression against a particular State and that it is only after an aggression has taken place that the Government of India can intervene? If that is not so—and on this I respectfully submit that this interpretation will lead to absurdity—then, it equally applies to the situation of an internal disturbance. About internal disturbance, I repeat, that internal disturbance does not mean that internal disturbance has actually broken out. About protection against an internal disturbance, this power is available to the Central Government when there is a real and imminent danger of breaking an internal disturbance breaking out.

I will give an example from the constitutional principle of war power. The executive of every State has got the war power which means that if a war breaks out, the executive has any power to do anything for the purpose of meeting the situation of war... (*Interruptions*)

DR. BAPU KALDATE (Maharashtra) : Why is he giving this long lecture? The matter has been clarified. ...(*Interruptions*)

SHRI SIKANDER BAKHT : The Home Minister has said that Article 355 was not invoked. Then why this?

SHRI P. SHIV SHANKER : But the Home Minister has said that he has not invoked it. ...(*Interruptions*)

SHRI MADAN BHATIA : That was expounded by the Privy Council. When there is an imminent threat of war, the war power is available. ...(*Interruptions*)...

SHRI DIPEN GHOSH (West Bengal) : The Home Minister has already explained it.

DR. BAPU KALDATE : Don't add to the confusion.

श्री सिकन्दर बख्त : सदर साहेबा; आनरेबल मैम्बर क्यों तकलीफ उठा रहे हैं। होम मिनिस्टर साहब ने कहा है कि 355 इनवोक नहीं हुआ है। फिर काहे को तकलीफ उठा रहे हैं। हमारा कहना यह है कि 355 इनवोक नहीं हुआ है तो क्या 357 के मातहत फौज गई है (व्यवधान)

شری سکندر بخت: صدر صاحب آنریبل ممبر کیوں تکلیف اٹھا رہے ہیں ہوم منسٹر صاحب نے کہا ہے کہ ۳۵۵ انووک نہیں ہوا ہے پھر کیا ہے کو تکلیف اٹھا رہے ہیں۔ ہمارا کہنا یہ ہے کہ ۳۵۵ انووک نہیں ہوا ہے تو کیا ۳۵۷ کے ماتحت فوج گئی ہے۔۔۔ مداخلت۔۔

उपसभापति : हो गया मदन भाटिया जी। **(व्यवधान)**

I think, now he is satisfied.

SHRI SIKANDER BAKHT : Who is satisfied ? I am not.

Dr. BAPU KALDATE : He is satisfied with the Home Minister's reply. That is all.

The DEPUTY CHAIRMAN : Everybody is satisfied with your interpretation.

श्री जगदीश प्रसाद माथुर : (उत्तर प्रदेश) महोदया मैं बहुत आभारी हूं। **(व्यवधान)**

डा० अबरार अहमद (राजस्थान) : उपसभापति महोदया, माननीय गृह मंत्री जी ने बड़े विस्तार से कहा है कि अयोध्या में जो कुछ भी होने वाला है उसका कैसे समाधान करेंगे। **(व्यवधान)** लेकिन मैं गृह मंत्री जी से एक बात कहना चाहता हूं जिसका मैंने कल भी जिक्र किया था और आज उसका जवाब नहीं आया। अयोध्या के अन्दर जो कार सेवा होने वाली है उसके कारण न सिर्फ यू० पी० में बल्कि राजस्थान के अन्दर जिस तरह का डर और दहशत लोगों में बैठ गई है क्योंकि पहले भी जब रथ यात्रा निकली थी उस टाइम राजस्थान में खूनखराबा हुआ था। जयपुर में 70–80 आदमियों का कत्लेआम कर दिया गया था। तो आज लोग आतंकित हैं, डरे हुए हैं। कार सेवा के बाद भी जिस प्रकार की धमकियां दी जा रही हैं, अगर खूनखराबा होता है तो मैं माननीय गृह मंत्री जी से जानना चाहूंगा कि उसके लिए आपने क्या सोचा है ? यू० पी० के अलावा राजस्थान में भी आतंक, डर और दहशत का वातावरण बन गया है, उससे लोगों को बचाएं। राजस्थान में तो पूरी की पूरी सरकार, 17 के 17 बी० जे० पी० के मंत्री कार सेवा में जाने के तैयार बैठे हैं। जो वहां की सरकार है **(व्यवधान)**

श्री जगदीश प्रसाद माथुर : महोदया, मैं बहुत आभारी हूं **(व्यवधान)**

डा० अबरार अहमद : मंत्री जी जवाब दे रहे हैं कुछ ?

THE DEPUTY CHAIRMAN : We are not opening any discussion. Yesterday, there was a long discussion on this subject.

DR. BAPU KALDATE : I think, we must close the debate somewhere. This is enough.

श्री जगदीश प्रसाद माथुर : महोदया मैं बहुत आभारी हूं गृह मंत्री जी का **(व्यवधान)**

उपसभापति : माथुर साहब, क्या बोल रहे हैं आप **(व्यवधान)**

श्री जगदीश प्रसाद माथुर : मैं बहुत आभारी हूं गृह मंत्री जी का। उन्होंने अपने बयान में बहुत सी गलत-फहमियां दूर कर दी हैं। जैसे कि श्री आडवाणी जी की बात को लेकर जो गलत-फहमी पैदा हुई थी, वह दूर की है। मैं आभारी हूं इस बात के लिए **(व्यवधान)** यद्यपि .....

उपसभापति : माथुर साहब क्या बोल रहे हैं आप **(व्यवधान)** आपने आभार प्रकट कर दिया, हो गया **(व्यवधान)**

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu) : Madam, I want to know under what rule he is replying to the reply given by the Home Minister.

[ ] Transliteration in Arabic Script.

डा० अबरार अहमद : गृह मंत्री जी मेरी बात का जवाब तो दे दें **(व्यवधान)**

श्री जगदीश प्रसाद माथुर : मुझे इजाज़त दी गई है । मैं गृह मंत्री जी का **(व्यवधान)**

THE DEPUTY CHAIRMAN : Order. We cannot allow any discussion on the reply of the Home Minister.

श्री राम नरेश यादव (उत्तर प्रदेश) : महोदया, माथुर साहब ने बधाई दी है, इस संदर्भ में मैं निवेदन करूंगा **(व्यवधान)**

श्री जगदीश प्रसाद माथुर : एक केन्द्रीय मंत्री श्री अर्जुन सिंह जी लखनऊ पहुंचे हैं **(व्यवधान)** उन्होंने घोषणा की है मैं फ़ैजाबाद **(व्यवधान)** अयोध्या जाऊंगा **(व्यवधान)** यहां के मंत्री हैं, मैं पूछना चाहता हूं इस यात्रा के बारे में **(व्यवधान)** अर्जुन सिंह जी ने अयोध्या जाकर .... **(व्यवधान)** बजाए इसके कि आप शांति की बात करें, शांति पैदा हो ..... **(व्यवधान)** मैं चाहूंगा कि अर्जुन सिंह जी के वहां जाने के बारे में ... **(व्यवधान)**

उपसभापति : माथुर साहब बैठिये ... **(व्यवधान)**

श्री भूपेन्द्र सिंह मान : (नाम निर्देशित) माथुर जी, प्रिविलेज के संबध में आपसे विनती है ....

उपसभापति : मान साहब आप बताइये ... **(व्यवधान)** मान साहब बोलिए **(व्यवधान)**

श्री राम नरेश यादव : ये घोषणा करते हैं कि वहां पर हमारी तरफ से ..... **(व्यवधान)**

उपसभापति : आप बैठिये ।

श्री जगदीश प्रसाद माथुर : अर्जुन सिंह जी केन्द्रीय मंत्री हैं । आज जब शांति हो रही है तो अशांति पैदा करने क्यों गए ... **(व्यवधान)**

उपसभापति : मान साहब बोलिए (*Interruptions*). I am allowing Mr. Mann. Yes, Mr. Mann.

DR. JINENDRA KUMAR JAIN (Madhya Pradesh) : Madam, the Home Minister should reply .... (*Interruptions*).

THE DEPUTY CHAIRMAN : I am not allowing anything else.

डा० अबरार अहमद : मैडम . . .

श्री भूपेन्द्र सिंह मान : मैडम, मैं आपके माध्यम से ..... **(व्यवधान)**

उपसभापति : आप बिल्कुल मेरी तरफ देखिये .....

श्री भूपेन्द्र सिंह मान : यह मेरे प्रिविलेज का है । असत्य केस बनाया गया और मुझे जेल में रखा गया .... उसके बारे में मुझे बात करनी है ... **(व्यवधान)**

DR. JINENDRA KUMAR JAIN : Madam, the Home Minister should reply to the point regarding Mr. Arjun Singh's ...(*Interruption*).

THE DEPUTY CHAIRMAN : I cannot tell the Minister that he must reply. If he wants to reply, he will reply. If he does not want to, he will not reply.

DR. JINENDRA KUMAR JAIN : He wants to reply.

THE DEPUTY CHAIRMAN : I do not know. How do I know whether he wants to reply? Perhaps Mr. Sikander Bakht has asked him not to reply. (*Interruptions*). He is not answering. How do I know whether he wants to say something?

श्री भूपेन्द्र सिंह मान : मान आप बाद में सपोर्ट कर लेना । 24 तारीख से चला हुआ है ...

(व्यवधान)

श्री एस० बी० चव्हाण : यह जो अनरेबुल अबरार अहमद ने प्वाइंट उठाया है उसके बारे में इस बात में कोई शक नहीं है कि माइनारिटीज के दिल में एक किस्म का शुबहा है, शक है एक किस्म का खतरा वे महसूस

करते हैं । इस बात का नोट गवर्नमेंट आफ इंडिया ने लिया है और वहां के चीफ मिनिस्टर्स को मैं खुद अपनी तरफ से भी लिखूंगा और इस बात की एहतियात लेने के लिए कहूंगा कि इस किस्म की कोई बात न होने पाये । अगर कहीं हो जाती है तो मैं क्या करूंगा उस का जवाब मैं आज नहीं दे सकता हूं ।

उपसभापति : मान साहब बोलिए ।

श्री संघ प्रिय गौतम : अर्जुन सिंह जी को कहिए कि वे अयोध्या न जायें ..... (**व्यवधान**)

SHRI S. B. CHAVAN : On the point raised by the hon. the Leader of the Opposition about the going there of my esteemed colleague, Arjun Singhji, I have explained the position to Mr. Sikander Bakht when he had been here with me.

THE DEPUTY CHAIRMAN : He has not been able to explain it to these people.

SHRI S. B. CHAVAN : I do not think that I should make anything public on that thing.

श्री मूल चन्द मीणा (राजस्थान) : मैडम, मैं यह पूछना चाहता हूं .....

उपसभापति : अभी यह बात खत्म हो गई है ..... The Ayodhya issue is over. Please take your seat.

(**व्यवधान**)

मान साहब बोलिए ।

Rearrest of Shri Bhupinder Singh Mann Member, Rajya Sabha.

Matter raised with Permission

श्री भूपेन्द्र सिंह मान (नाम निर्देशित) : मैडम, मैं 24 तारीख से इस इश्यू के बारे में बात करने की कोशिश कर रहा हूं वह नहीं हो पा रहा है... (**व्यवधान**) आज आपने एलाउ किया है तो आपको धन्यवाद देता हूं .... (**व्यवधान**)

उपसभापति : बोलिए .... (**व्यवधान**) बैठ जाइये । इनको बोलने दीजिए ।

श्री भूपेन्द्र सिंह मान : मैं आपके माध्यम से सभी से एक बात बताना चाहता हूं कि मेरा प्रिविलेज जो एक मेम्बर आफ पार्लियामेंट का है, उसको ब्रीच किया गया है । पहले भी आपके सामने एक बार रखा था, यह और बार हुआ है ।

10 तारीख को मेरे घर से मुझे गिरफ्तार किया गया । मैं घर था, खाना खा रहा था । एक पुलिस पार्टी आई । उन्होंने कहा कि आपको गिरफ्तार करना है । गिरफ्तार किया है, आप हमारे साथ चलो । मैंने कहा कि मुझे वजह बताओ कि क्या बात है तो उन्होंने बताया कि यह बात तो डी०एस०पी० बतायेंगे पुलिस स्टेशन में जाकर । आप एकदम हमारे साथ तैयार हो जाओ । मैंने तैयार होकर अपना हैण्डबैग लिया और जेल में जाने के लिए जो चीजें चाहिए थीं, वह लेलीं और उनके साथ हो लिया । पुलिस स्टेशन पहुंचने के बाद आधा घंटे के बाद वहां डी० एस०पी० आए । उन्होंने मुझे कुछ नहीं, अपने स्टाफ को कहा कि इनके कागज तैयार कर दो । कागज तैयार होने लग गये । एक बजे के आसपास वहां दो और आदमी थे पुलिस स्टेशन में, उनको मेरे साथ जोड़ कर एस० डी० ओ० के पास ले जाया गया । जब वह खुद पुलिस वैन में ही बैठे थे, तो वहां आर्डर्ज एस० डी० ओ० (सिविल) ने दे दिया कि इनको 21 तारीख तक जेल में भेजा जाता है ।

तो मैंने इनसिस्ट किया, मुझे वजह तो बताएं, मेरा दोष तो बतायें । मैंने एस०डी० ओ० के पास जाने के लिए इनसिस्ट किया । मैं एस० डी० ओ० के पास चला गया और एस० डी० ओ० से जब पूछा कि मुझे वजह तो बताओ क्या है, क्यों गिरफ्तार किया गया है ?

तो वह बताने से हिचकिचाते थे और उन्होंने मुझे यह समझाने की कोशिश की कि